

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SHEILA HOLMES,

Plaintiff,

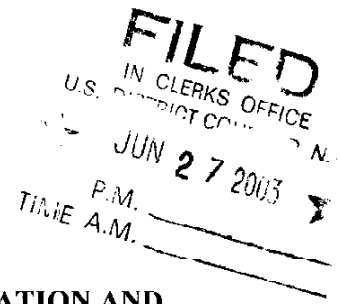
-against-

THE CITY OF NEW YORK, DETECTIVE ERIC
FREESE, Shield #2215, Tax Registry #890040,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

CV 02 1096 (NG)(ASC)



WHEREAS, plaintiff Sheila Holmes commenced this action by filing a complaint on or about February 15, 2002, alleging that the defendants violated her federal civil rights and rights under state law; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay to plaintiff Sheila Holmes the sum of Twenty One Thousand Dollars (\$21,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the

payment of these sums, plaintiff Sheila Holmes agrees to dismissal of all the claims against the individually named defendant Eric Freese and defendant City of New York and to release all defendants and any present or former employees and agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release for plaintiff based on the terms of paragraph 2 above and an Affidavit of No Liens for plaintiff.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

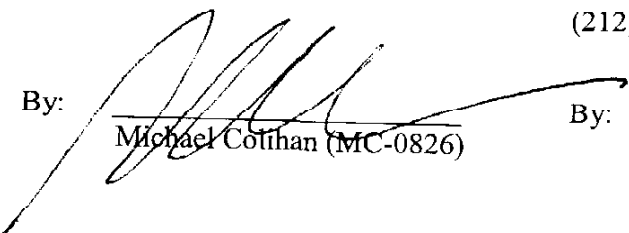
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 17, 2003

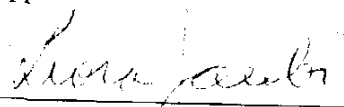
Michael Colihan, Esq.
44 Court Street, #911
Attorney for Plaintiff
Brooklyn, NY 11201
(718) 488-7788

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City and Freese
100 Church Street, Room 3-220
New York, N.Y. 10007
(212) 788-0711

By:


Michael Colihan (MC-0826)

By:


Liora Jacobi (LJ 0347)
Special Assistant Corporation Counsel

SO ORDERED:


U.S.D.J.

6-25-03